

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2546 OF 2002
IN
FIRST APPEAL NO.798 OF 2002

Eagle Flask Industries Ltd. ...Applicant

Versus

E.S.I.C. ...Respondent

Shri R.R.Salvi for the Applicant.

Shri H.V.Mehta for the Respondent.

CORAM : A. S. OKA, J.
DATE : JANUARY 24, 2007.

P.C.:

1. Heard Advocate appearing for the Applicant and Shri Mehta appearing for the Respondent. Application made by the Applicant under section 75 of the Employees' State Insurance Act, 1948 has been rejected on merits. As of today, the Applicant has deposited 50% of the amount of demand. After dismissal of the Application on merits, interim relief cannot be granted. The Applicant will have to deposit the balance amount payable as per the demand with the Respondent.

2. The learned Counsel for the Applicant states that the Applicant Company has closed down. Considering this statement, sufficiently long time deserves to be granted to the Applicant.

3. Hence, Civil Application is disposed of by passing following order:

- (i) Time of four months is granted to the Applicant to deposit the balance amount payable as per the demand which was the subject matter of the challenge before the Trial Court.
- (ii) For a period of four months from today, no coercive action shall be taken against the Applicant on account of non payment of amount of demand.
- (iii) If the Applicant fails to deposit the balance amount within the stipulated time, the Respondent will be free to proceed in accordance with law for the recovery of the amount.
- (iv) It is made clear that amount will be deposited with the Respondent. The amount towards demand which is already deposited by the Applicant in the Trial Court will be permitted to be withdrawn by the Respondent subject to final outcome of the Appeal.

JUDGE